

REMARKS:

At the time of the Office Action, claims 1-6, 8 and 15-20 were pending and considered by the Examiner. All of the pending claims stand rejected. Pursuant to this Amendment, claims 1, 8, 15 and 17 have been amended, and claims 16, 18 and 20 have been cancelled. Claims 1-6, 8, 15, 17 and 19 remain pending.

The claims stand rejected under 35 U.S.C. 103(a) as being unpatentable over Owens et al. (U.S. Design Patent 324,170), in view of Morse et al. (U.S. Patent No. 3,050,770). The rejections are traversed for at least the following reasons.

First, the pending claims as previously written are patentably distinguishable from the asserted combination of Owens in view of Morse because there is no basis found in the art that would motivate one skilled in the bumper device art to modify the door stop / wall patch of Owens to correspond to the structural relationships defined in the claims. Any change to Owens would inherently change the scope of the claimed ornamental design, thereby destroying the intended purpose of Owens. As a result, any such proposed modification would be improper under the guidelines of 35 U.S.C. 103. Simply because a prior art reference may be modified, does not mean it is proper to do so without some sort of teaching or suggestion in the prior art to do so. Owens simply cannot be modified to include the limitations of the claimed invention because such a modification would completely destroy the intended invention of Owens.

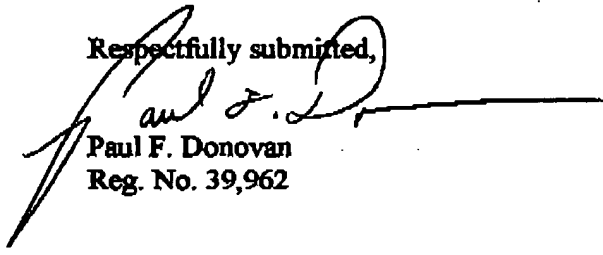
Even so, in order to advance the prosecution of the subject application, independent claims 1, 8 and 15 have been further amended to more clearly define the subject matter for which the Applicant seeks patent protection for. Clearly, none of the art of record, taken alone or in combination, teaches or suggests all of the limitations recited in the pending claims. The unique structural relationships of the center portion, the ring portion and the indentation cannot be found in the art of record. For at least these reasons, claims 1, 8 and 15, and the claims depending therefrom, are patentable over the art of record.

Reconsideration and allowance of all the pending claims is respectfully requested.

In the event that there are any remaining issues that need to be addressed, in order to expedite the prosecution of the subject application, the undersigned respectfully requests that the Examiner telephone him at the number provided below.

Illinois Tool Works Inc.
3600 West Lake Avenue
Glenview, Illinois 60025
Telephone (847) 657-4075
FAX (847) 724-4160

Respectfully submitted,


Paul F. Donovan
Reg. No. 39,962